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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mutsumi KIMURA et al.

Group Art Unit: 2871

Application No.: 09/077,029.

Examiner: A. Schechter

Filed: May 18, 1998

Docket No.: JAO 40499

For: MATRIX TYPE DISPLAY DEVICE AND  
MANUFACTURING METHOD THEREOF

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER  
37 C.F.R. §1.181(a) - NOTICE OF ABANDONMENT IN ERROR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned has received a Notice of Abandonment dated August 15, 2003, holding the above-captioned patent application abandoned for failure to file an Appeal Brief after filing a Notice of Appeal on November 9, 2001. However, the Notice of Abandonment is in error.

As acknowledged in the Notice of Abandonment, Applicants timely filed a Notice of Appeal and a 3-month Petition for Extension of Time (copies enclosed) on November 9, 2001 in reply to the Final Rejection mailed May 9, 2001.

In addition, Applicants timely filed a Rule 53(d) Continued Prosecution Application (CPA) Transmittal together with a 4-month Petition for Extension of Time (copies enclosed) on May 9, 2002. The CPA Transmittal sheet (page 2) indicated that a Preliminary Amendment is forthcoming. Applicants filed the Preliminary Amendment (copy enclosed) on June 7, 2002. The fee (i.e., \$1,514.00) paid at the time of filing the Continued Prosecution Application also included the fees (e.g., \$774) for the extra claims in the Preliminary Amendment.

Thus, Applicants submit that the filing of the May 9, 2002 Petition for Extension of Time and the Rule 53(d) CPA and payment of all required fees placed the above-captioned

application in proper condition for further examination on May 9, 2002. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn and the application be revived.

As this Petition does not result from any error on the part of Applicants, it is respectfully submitted that no Petition fee is due. See, for example, MPEP 711.03(c)I. However, please debit Deposit Account No. 15-0461 as needed in order to ensure revival of the application. Please telephone the undersigned if any questions arise in connection with this matter.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

George P. Simion  
Registration No. 47,089

JAO:GPS/dmw

Date: September 23, 2003

Attachments:

- November 9, 2001 Notice of Appeal, Petition for Extension of Time (3<sup>rd</sup> month extension), PTO Receipt for filing of papers stamped November 9, 2001 (2 pages total);
- May 9, 2002 Continued Prosecution Application Transmittal, Petition for Extension of Time (4<sup>th</sup> month extension), PTO Receipt for filing of papers stamped May 9, 2002 (6 pages total);
- June 7, 2002 Preliminary Amendment with Appendix, PTO Receipt for filing papers dated June 7, 2002 (17 pages total).

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
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<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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